REGISTER OF CLASSIFICATION DECISIONS

Date of entry in Register:	28 January 1999
Name of applicant/court:	Comptroller of Customs
Applicant to the Labelling Body:	Not Applicable
Title of Publication:	Untitled Photograph Number Three
Other Known Titles:	Not Stated
Director:	Not Applicable
Producer:	Not Applicable
Publisher:	Not Applicable
Author:	Not Applicable
Format:	Photograph
Country of Origin:	Not Stated
Language:	Not Applicable

Components of film originally examined: Not Applicable.

Feature:	Running time:
Trailers:	Running time:
	Total Running time:

Excision/Alteration: Not Applicable.

Reason(s) for Excision:

Not Applicable.

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Classification Decision:

Objectionable except if the availability of the publication is restricted to Mr P Renk.

Display Conditions:

Not Applicable.

Descriptive Note:

Not Applicable.

● ●

Direction to issue a label has been given on: Not Applicable.

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SUMMARY OF THE REASONS FOR DECISION:

Untitled Photograph Number Three is classified as:
Objectionable except if the availability of the publication is restricted to Mr P Renk.

Untitled Photograph Number Three is a wide shot of a young naked male taken outdoors. His slight build, facial characteristics, comparative lack of adult muscular development and apparent lack of chest hair, suggest he has recently reached puberty and is probably aged around fifteen to sixteen years. He is posing, standing to attention and giving a boy scout salute. He has a slight smile on his face. His genitals are clearly visible against his dark pubic hair. While the photograph deals with the nudity of a young person, on its own it provides a limited context to determine whether or not the nudity of a young person is being exploited. In restricting the photograph to the owner, weighting is given to the owner's submission that he is a lifelong nudist/naturist and that this and the thirteen other photographs submitted collectively constitute personal mementos of a party. Without the owner's personal context the photographs could be given a sexual reading, based upon the nudity of the children and young persons, the depiction of their genitals, and the fact that many of the photographs depict a naked man in physical contact with them.

The rights and freedoms outlined in s14 of the New Zealand Bill of Rights Act 1990 have been balanced against criteria contained in the Films, Videos, and Publications Classification Act 1993. It is a reasonable limit of s14 to restrict the publication to the owner, given that without his personal context the photograph is open to being given a sexual reading, making its widespread availability likely to be injurious to the public good.

OFLC Ref: 9701437